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## 2012 International Religious Freedom Report - Kosovo

### Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. Religious leaders stated the lack of a mechanism allowing religious groups to register and obtain legal status created a number of practical challenges in carrying out daily activities.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Serbian Orthodox Church (SOC) officials reported occasional incidents of theft and vandalism and an assault on a member of the Serbian Orthodox clergy.

U.S. embassy representatives met with political and religious leaders to urge interfaith dialogue and to encourage resolution of religious groups' concerns. Embassy officials also pressed for the adoption of laws codifying protection for the SOC and supported efforts to resolve property disputes involving the Visoki Decani Monastery and local groups. The embassy funded cultural heritage preservation programs, which included reconstruction and conservation of churches and mosques throughout the country.

### Section I. Religious Demography

According to official government census data released in October, the population is 1.74 million. Census data shows 95.6 percent of the population identifies as Muslim, 2.2 percent as Roman Catholic, and 1.4 percent as Serbian Orthodox. Census categories for "Other," "None," or "No Response" each constitute less than 1 percent. The largest Catholic communities live in Gjakove/Djakovica, Kline/Klina, Prizren, Janjevo, and Pristina. Most members of the SOC reside in ethnically Serb towns and enclaves. Small populations of Protestants live in most cities, with the largest concentration located in Pristina. The largest Jewish community resides in Prizren. The Kosovo Islamic Community is the officially recognized Islamic umbrella group and is known by its Albanian-language acronym BIK; it is responsible for training Muslim clergy and appointing them to mosques throughout the country.

Religion and ethnicity are closely linked; Serbs generally belong to the SOC, while the majority of religiously active citizens of Albanian descent identify themselves as Muslim.

Critics of the census note it does not include residents in the northern region of Mitrovica/Mitrovica and thus significantly under-represents Serbs who belong to the SOC. Anecdotal information also suggests census

takers at times automatically assigned Islam to persons without soliciting explicit answers or over their verbal objections.

## Section II. Status of Government Respect for Religious Freedom

### Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The law affirms the right of freedom of expression, conscience, and religion for all residents regardless of their religious convictions. It provides for the separation of religious groups from public institutions and for equal rights for all religious groups, stipulates the country does not have an official religion, and prohibits discrimination based on religion and ethnicity. No legal mechanism exists for registering religious groups.

The government designates sites as special protective zones (SPZs) based on religious and cultural significance. Within SPZs, the law restricts activities with a potentially damaging effect on the historical, cultural, or natural environment of the sites. According to the law, an Implementation and Monitoring Council is responsible for arbitrating disputes concerning SPZs and other matters related to religious and cultural heritage. The council is to include government entities, three neutral international stakeholders, and a Serbian Institute for Cultural Heritage Protection.

The government observes the following religious holidays: the beginning of Ramadan, Eid al-Fitr, Eid al-Adha, Easter, Orthodox Easter Monday, and Orthodox and Western Christmas.

### Government Practices

There were no reports of abuses of religious freedom.

Religious leaders stated the lack of a mechanism allowing religious groups to register and obtain legal status created a number of practical challenges. Although many groups found alternative methods, some reported difficulty owning and registering property and vehicles, opening bank accounts, and paying taxes on employees' salaries.

Protestant group representatives alleged ongoing institutional discrimination by the central and municipal governments, including not being allowed to establish their own cemeteries. Municipalities reportedly regularly ignored Protestant requests for dedicated cemetery space, which resulted in Muslim clerics performing funeral services for Protestants in Muslim-controlled municipal cemeteries. Members of Protestant groups asserted this violated their religious rights and constituted the imposition of another religious tradition over their own. Protestant group leaders remained concerned about their inability to establish a cemetery or build a church facility in Decan/Decani, and reported facing similar difficulties in Pristina.

The BIK and Muslim-oriented nongovernmental organizations reported public schools prevented some students from attending classes while wearing headscarves. School officials selectively applied a 2010 Ministry of Education, Science, and Technology administrative directive prohibiting primary and secondary students from wearing headscarves on school property. Gjilan public schools expelled 14 students wearing headscarves before the town mayor and the education minister agreed the girls could temporarily return to school while wearing headscarves. No solution was reached by year's end. The ombudsman's office received two additional reports of schools forbidding students to attend classes while wearing headscarves.

In November the government announced plans to form a religious freedom committee charged with investigating the admissibility of headscarves in schools. According to the announcement, the five-member committee will include representatives from the government and Muslim community and is to submit its report after visiting European Union countries that allow headscarves in schools.

The ombudsman's office received one complaint from a woman in Gjilan claiming she was denied employment because she wore a headscarf.

In July the BIK's formerly privately funded Islamic Faculty formally joined Pristina University, a public institution, and became the country's only accredited higher education program in religious studies.

Council of Europe (COE) experts, with participation from the government and the SOC, conducted a survey during the year assessing work completed by the Reconstruction and Implementation Council (RIC). Authorities formed the RIC after riots in March 2004 damaged 34 SOC sites. The COE stated 16 sites still need reconstruction work at an estimated cost of approximately 4 million euros.

The process of “unfixing,” or transferring responsibility for the round-the-clock security of SOC religious sites from the NATO-led peacekeeping forces (KFOR) to the Kosovo Police (KP), progressed smoothly, although the SOC complained about KP treatment of visitors at some monasteries. Only two sites remained under KFOR protection. No significant security incidents occurred at SOC facilities under KP protection.

On December 27, a Special Chamber of the Supreme Court ruled a settlement brokered by the now-defunct Kosovo Trust Agency (KTA) giving ownership of disputed land parcels to the Visoki Decani Monastery was valid. The Tito regime originally confiscated more than 700 acres from the monastery in 1946; the Milosevic regime returned approximately 57 acres of that land to the church in 1993 and 1997. In the early 2000s KTA negotiated a settlement allowing the SOC to retain the contested agricultural land adjacent to its monastery in exchange for relinquishing any interest in another parcel of land located in the municipality’s center. SOC officials considered the agricultural land critical to the monastery’s self-sustainability and future security. Decan/Decani municipal authorities said they would appeal the court’s decision.

The Implementation and Monitoring Council, responsible for arbitrating disputes concerning SPZs and other matters related to religious and cultural heritage, did not function during the year.

## **Improvements and Positive Developments in Respect for Religious Freedom**

In April parliament passed legislation establishing SPZs in the historic center of Prizren and the village of Velika Hoca/Hoce e Madhe, both of which contained numerous religious and cultural sites dating to the thirteenth century. In July the Constitutional Court upheld the legislation and rejected appeals claiming the law would unconstitutionally give special rights to Serbs over the rights of other citizens.

## **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Close links between ethnicity and religion made it difficult to categorize some incidents as specifically ethnically or religiously motivated. Leaders of different religious groups reported generally good relations with one another and held several interfaith discussions.

There was one report of an assault on a member of the Serbian Orthodox clergy. On June 13, two men attacked Father Mitrofan, a monk wearing full religious attire, in Mitrovica/Mitrovica. Mitrofan was treated for head and arm injuries. Police had not identified any suspects by year’s end.

Police registered 35 incidents of theft and vandalism involving SOC facilities, including thefts of metal objects later sold for scrap metal and damage to cemeteries. Incidents at SOC sites have reportedly declined every year since 2007, when authorities registered 90 incidents.

In late March and early April unknown persons painted threatening slogans referring to the 1999 conflict on the walls of the Visoki Decani Monastery. SOC officials and the police cooperated in the investigation but had identified no suspects by the end of the year.

After vandals looted the SOC’s Saint Archangel Church in Stimlje on July 18, SOC Bishop Teodosje called for increased protection of churches from desecration and destruction. Police arrested four persons and stated they believed the crime was economically, not ethnically or religiously, motivated.

Police reported no further developments related to the 2011 desecration of approximately 80 tombstones in a Jewish cemetery in Pristina.

Some individuals reportedly preached forms of Islam that denigrated other religions and other interpretations of Islam.

## **Section IV. U.S. Government Policy**

U.S. embassy representatives and visiting U.S. government officials met with political and religious leaders to urge religious tolerance. Embassy officials also pressed for adoption of laws codifying protection for the SOC.

Embassy officials regularly discussed religious freedom issues with leaders of the SOC, Muslim, Catholic, Protestant, and Jewish communities and promoted interfaith dialogue. U.S. officials urged dialogue between SOC members and ethnically Albanian members of the government and civil society. The embassy also supported efforts to resolve the land dispute involving Visoki Decani Monastery and local groups.

The embassy funded preservation and restoration projects for culturally significant religious sites throughout the country, including churches in Bogosevc and Hoqa e Madhe, a mosque in Peja, and endangered frescoes at a monastery in Gracanica.

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